

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 163.1, 169A.13A(4), 192.111, 196.2, and 206.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 36, “Egg Handlers,” Chapter 45, “Pesticides,” Chapter 63, “Branding,” Chapter 66, “Livestock Movement,” and Chapter 68, “Dairy,” Iowa Administrative Code.

The proposed amendments reflect changes in the period of licensure from one year to two years for egg handlers, milk haulers, milk graders, bulk milk tankers and can milk truck bodies. The rule regarding an interim milk hauler license is rescinded. Subrule 63.1(2) now provides that similar livestock brands can be located on the animal in a different location only if recorded prior to 1996. Also, licensure costs for pesticide dealers with less than \$100,000 in gross retail pesticide sales is updated.

Any interested persons may make written suggestions or comments on the proposed amendments on or before June 27, 2017. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

A public hearing will be held on June 27, 2017, at 2 p.m. in the second floor conference room of the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319.

These proposed amendments are subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement 2017 Iowa Acts, House File 617, and Iowa Code sections 159.2, 192.111 and 206.8.

The following amendments are proposed.

ITEM 1. Amend subrules 36.2(2) and 36.2(7) as follows:

36.2(2) A license is valid for ~~one year~~ two years, is renewable, and expires on October 1.

36.2(7) License fees for egg handlers are based on the total number of cases of eggs purchased or handled during the month of April (Iowa Code section 196.3) and are charged as follows:

- a. For less than 125 cases—~~\$20.20~~ \$40.40;
- b. For 125 to 249 cases—~~\$47.25~~ \$94.50;
- c. For 250 to 999 cases—~~\$67.50~~ \$135.00;
- d. For 1,000 to 4,999 cases—~~\$135.00~~ \$270.00;
- e. For 5,000 to 9,999 cases—~~\$236.25~~ \$472.50;
- f. For 10,000 or more cases—~~\$337.50~~ \$675.00.

For the purpose of determining fees, each case shall be 30 dozen eggs.

ITEM 2. Amend rule 21—45.48(206) as follows:

21—45.48(206) Dealer license fees. A dealer license fee ~~for initial application~~ for a dealer license with less than \$100,000 in gross retail pesticide sales shall be \$10 if the annual gross retail sales are less than \$10,000; \$25 if the annual gross retail sales are \$10,000 or more but less than \$25,000; \$50 if the annual gross retail sales are \$25,000 or more but less than \$50,000; \$75 if the annual gross retail sales are \$50,000 or more but less than \$75,000; and \$100 if the annual gross retail sales are \$75,000 or more but less than \$100,000. The annual dealer license ~~renewal~~ fee for a dealer with \$100,000 or more in gross retail pesticide sales shall be based on one-tenth of one percent of the gross annual sales of all pesticides

sold the previous fiscal year or \$25, whichever is greater. The fiscal year shall begin July 1 and end June 30 of the following year.

45.48(1) A pesticide dealer license expires on June 30 of each year. However, a three-month grace period ~~beginning July 1 and extending to October 1 of each year~~ shall be allowed for renewal of pesticide dealer licenses. A late fee of 2 percent of the license fee due based on the gross pesticide retail sales shall be imposed upon the licensure of a pesticide dealer applying for licensure renewal during October; a late fee of 4 percent of the license fee due based on the gross pesticide retail sales shall be imposed upon the licensure of a pesticide dealer applying for licensure renewal during November; \$25 is imposed on a dealer with less than \$100,000 in gross retail pesticide sales, and a late fee of 5 percent of the license fee due based on the gross pesticide retail sales shall be imposed upon the licensure of a pesticide dealer applying for licensure renewal during December; ~~and an additional 5 percent penalty for each month thereafter shall be imposed with \$100,000 or more in gross retail pesticide sales.~~ The application for renewal shall be considered complete once the required fees and reports have been submitted to the department.

45.48(2) No change.

This rule is intended to implement Iowa Code sections 206.6, 206.8 and 206.12.

ITEM 3. Amend subrule 63.1(2) as follows:

63.1(2) ~~Each~~ For brands recorded prior to 1996, each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

ITEM 4. Amend subrules 68.41(3), 68.41(5) and 68.41(6) as follows:

68.41(3) A license pursuant to this rule expires June 30 ~~annually~~ biennially and is not transferable between tankers.

68.41(5) The cost of the bulk milk tanker license is ~~\$25 per year~~ \$50.

68.41(6) If the bulk milk tanker and accessories have been inspected within the last 12 months and carry a current license, the bulk milk tanker renewal license application and a return envelope will be mailed to the owner of the tanker in April ~~annually~~ biennially by the dairy products control bureau office in Des Moines.

ITEM 5. Amend subrules 68.48(2), 68.48(3) and 68.48(5) as follows:

68.48(2) The cost of a milk hauler license is ~~\$10~~ \$20.

68.48(3) A milk hauler license obtained pursuant to this rule expires June 30 ~~annually~~ biennially and is not transferable between persons.

68.48(5) If a milk hauler with a current license has had an on-the-farm evaluation within the last two years and has attended a state milk hauler training school within the last three years, a milk hauler renewal application and a return envelope will be mailed to the milk hauler in April ~~annually~~ biennially by the dairy products control bureau office in Des Moines.

ITEM 6. Rescind and reserve rule ~~21—68.49(192)~~.

ITEM 7. Amend subrules 68.69(3) to 68.69(5) as follows:

68.69(3) The cost of a milk grader license is ~~\$10~~ \$20.

68.69(4) A milk grader license obtained pursuant to this rule expires June 30 ~~annually~~ biennially and is not transferable between persons.

68.69(5) As a condition of relicensing:

a. and b. No change.

c. If the milk grader has had an evaluation within the last two years and, if required, has attended a milk hauler training school within the last three years, a milk grader renewal application and a return envelope will be mailed ~~annually~~ biennially in April to the milk grader by the dairy products control bureau office in Des Moines.

ITEM 8. Amend subrules 68.71(3) and 68.71(5) as follows:

68.71(3) A license pursuant to this rule expires June 30 ~~annually~~ biennially and is not transferable between truck bodies.

68.71(5) The cost of the can milk truck body license is ~~\$25 per year~~ \$50.